IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

CRP.No. 548 of 2007()

AGAINST THE ORDER DATED 15/03/2007 IN EP 415/2004 IN LAR.39/1994 of SUB COURT, KOZHIKODE

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REVN. PETITIONER: RESPONDENT/JUDGEMENT DEBTOR:

THE SECRETARY,
K.S.E.B., VYDHYUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM.

BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB

RESPONDENT: PETITIONER/DECREE HOLDER:

ANNAMMA JOHN,
PERUMPANAMICHIL HOUSE, KODENCHERY AMSOM,
CHEMBUKADAVU DESOM, KOZHIKODE.

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 07/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Order on IA 1403/07 in CRP 548/07

DISMISSED.

SD/- M.N.KRISHNAN, JUDGE.

7/11/2007

M.N.Krishnan, J.

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C.R.P.No.548 of 2007

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Dated this the 7th day of November, 2007.

ORDER

This revision petition is preferred against the order of the subordinate Judge, Kozhikode in E.P. No.415 of 2004 in L.A.R.No.39 of 1994. As per the said order, the court just recorded that the calculation statement is filed and directed issuance of fresh attachment order. Counsel for the revision petitioner would submit that the parties are only entitled to get simple interest and tax has to be deducted at source as per the principles enunciated in **State of Kerala** v. **Mariyamma** - 2005 (1) K.L.T. 173.

2. Since the matter has not been considered in detail by the court below, the order under challenge is set aside and the matter is remitted back to the court below and the revision petitioner is directed to file a fresh statement calculating the amount and also permit the decree holder to file statement and after hearing arguments on both sides and in the light of the

principles laid down by different decisions fix the amount and thereafter proceed to execute the decree in accordance with law. The revision petitioner is directed to appear before the court below on 5.12.2007. The court on that day shall give notice to the decree holder and fix the date of appearance.

Civil Revision Petition is disposed of accordingly.

M.N.Krishnan,
Judge.

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